

SUBJECT: ANTI-BULLYING

PURPOSE

This policy protects the dignity and safety of youth served by the City of Madison. This policy prohibits bullying, harassment, and intimidation in all youth-serving City services, activities, programs, properties and facilities.

BACKGROUND

Through the work of many agencies and contracts, the City is committed to uplifting its youngest residents with meaningful and impactful programming and robust recreational and educational opportunities through which children can express their creativity, develop skills, engage in sports, and explore career opportunities. The City strives to offer spaces and programming for youth to feel safe and welcomed regardless of who they are, how they identify, or where they come from.

MGO 39.03 protects against the discrimination of residents, visitors, and workers based on sex, race, religion or atheism, color, national origin or ancestry, citizenship status, age, handicap/disability, marital status, source of income, arrest record, conviction record, credit history, less than honorable discharge, physical appearance, sexual orientation, gender identity, genetic identity, political beliefs, familial status, student status, domestic partner status, receipt of rental assistance, the fact that the person declines to disclose their social security number, homelessness or unemployment status. It is imperative that the City provide quality programming in a safe and healthy environment to all children regardless of their association with any of the aforementioned protected classes.

The Centers for Disease Control and Prevention defines bullying as any unwanted aggressive behavior(s) by another youth or group of youths, who are not siblings or current dating partners that involves an observed or perceived power imbalance and is repeated multiple times or is highly likely to be repeated.

According to the U.S. Department of Health and Human Services about 20% of youth experience bullying by their peers and the National Education Association estimates that 160,000 children miss school every day due to fear of attack or intimidation by other students. Youth who experience bullying are more likely to suffer from depression and anxiety, have increased feelings of sadness and loneliness, and lose interest in activities they previously enjoyed.

Marginalized youth experience bullying at a much higher rate than other youth do. According to Mental Health America, Lesbian, Gay, Bisexual & Transgender (LGBT) youth or those youth who are perceived to be LGBT are more than twice as likely to be called names, verbally harassed, or physically assaulted compared to non-LGBT peers. A study by the Gay, Lesbian and Straight Education Network finds that 9 out of 10 LGBT youth reported being verbally harassed due to their sexual orientation, and the same study finds that 75% of transgender students feel unsafe in school. Research from the U.S. Department of Health and Human Services and the National Institute of Health, respectively, indicates that children with disabilities and special needs and immigrant children are more likely to experience bullying by their peers.

POLICY

1) DEFINITIONS

- a) "Bullying" shall be defined as any severe, pervasive, or persistent act or conduct whether physical, electronic, or verbal that:
- i) is unwanted aggressive behavior(s) that involves an observed or perceived power imbalance; and
 - ii) is repeated multiple times or is highly likely to be repeated; and
 - iii) may be based on a youth's actual or perceived race, color, ethnicity, religion, national origin, citizenship status, sex, age, marital status, physical appearance, sexual orientation, gender identity or expression, intellectual ability, familial status, family responsibilities, matriculation or student status, political beliefs or affiliation, genetic information, disability, source of income, receipt of rental assistance, arrest or conviction record, homelessness or unemployment status, or any other distinguishing characteristic, or on a youth's association with a person or group with any of the actual or perceived foregoing characteristics; and
 - iv) can reasonably be predicted:
 - (1) Place the youth in reasonable fear of physical harm to their person or property;
 - (2) Cause a substantial detrimental effect on the youth's physical or mental health;
 - (3) Interfere with the youth's academic performance or attendance; or
 - (4) Interfere with the youth's ability to participate in or benefit from the services, activities, programs, facilities, or privileges provided by an agency or contractor or agent thereof.

2) POLICY

- a) The City of Madison acknowledges that all individuals have the right to fully participate, free from bullying and harassment, in any programming or activities undertaken by, or with the support of, the City, or involving the use of City facilities and property.
- b) Acts of bullying, including cyberbullying, whether by youth, volunteers, or staff, are prohibited in all youth-serving city services, activities, programs, and facilities.
- i) This policy applies to:
 - (1) All facilities or land owned, operated or supported by the City;
 - (2) All programs run by City staff;
 - (3) All programs that are funded in whole or in part by the City and that exist primarily to serve youth.
 - ii) This policy applies to any person who is employed on a full-, part-time or temporary basis, or who volunteers, with the City or a City partner that receives funding from the City in support of a Youth-focused program or activity. The policy also applies to youth that participate in such programs or activities.
- c) Retaliation against a youth, volunteer, or staff member who reports bullying, provides information about an act of bullying, or witnesses an act of bullying is also prohibited.

3) IMPLEMENTATION

- a) The Department of Civil Rights, in consultation with agencies that provide services, activities, programs, and facilities primarily for youth, shall establish a clear policy for reporting, addressing, and preventing bullying as defined above.
- i) The policy shall be communicated to all City staff who participate in and lead youth-serving programming or activities.

- ii) This policy shall be communicated to all contracted agencies that receive funding or other support from the City to provide youth-serving programming or activities.
 - iii) This policy shall be communicated to groups that provide youth-serving programming or activities that occur in City facilities.
 - b) To the extent reasonably possible and when applicable, City agencies shall notify participants of youth-serving programs or activities about this policy and potential adverse actions; which may include, but are not limited to warnings; loss of opportunity to participate in City activities; being suspended or banned from specific programs or facilities; and loss of other privileges.
 - i) Any City agency taking adverse actions against an individual found in violation of this policy should evaluate whether it may be appropriate to notify any other City agencies depending on the factual circumstances.
 - c) Agency heads may take reasonable steps to implement ongoing professional development of staff members to prevent, identify, and respond to bullying, harassment, and cyber-bullying.
 - d) Agency heads shall take reasonable steps to present the City and agency's policy on bullying, harassment, and cyber-bullying to individuals participating in City- supported programming or activities, or using City facilities. This may include guidance on how to prevent bullying, harassment, and cyber-bullying; the process for filing complaints; and the process/consequences that will result from the complaint. This policy may be included in registration forms, posted in City facilities, and on City agency websites. If the agency does not post the potential consequences resulting from this policy at its facility, any first infraction of the policy may result in, at most, a written warning that subsequent offenses may result in a suspension or banning of use of the facility.
 - e) Staff are encouraged to work directly with agencies and groups that provide youth-serving programming or activities to interrupt bullying if it occurs in City facilities.
- 4) **REPORTING PROCEDURES**
 - a) All allegations of bullying, harassment, or cyber-bullying can be reported to the designated City staff. Any individual may file such a report.
 - b) Upon receipt of a complaint, City staff shall take such action(s) as they deem reasonable and appropriate based on this policy and the specific agency's procedures. Reasonable and appropriate actions may include, but are not limited to:
 - i) Contacting individuals involved to determine whether an investigation should be pursued;
 - ii) Investigating the alleged incident of bullying, harassment, or cyber-bullying;
 - iii) Taking immediate steps, at the Agency head's discretion, to protect any involved individual pending completion of an investigation; and
 - iv) In a timely manner, taking one or more actions described in sec. 3.b., or issuing a warning or suspension if, following the conclusion of the investigation, said individual is found to be in violation of this policy.
 - c) Concerns of bullying, harassment, and cyber-bullying may be filed anonymously. However, exclusion from program participation or bans from City facilities, generally should not be taken solely on the basis of an anonymous report. Anonymous reports will be investigated using the same procedures, timeliness, and rigor as other reports.

- d) City staff may also use this procedure to investigate complaints of retaliation or threats of retaliation which are intended to intimidate a victim or reporter of bullying or harassment if such complaint is not otherwise appropriately investigated pursuant to APM 3-5.
- e) Any act or event involving potential criminal activity shall be referred to the Madison Police Department or other law enforcement agencies as applicable.
- f) Any individual who disagrees with the conclusions or results of an investigation may file an appeal with the Department of Civil Rights. The Director of Civil Rights or their designee shall review the complaint and the investigation, and advise the applicable agency as to whether the investigation's conclusions and any resulting actions are appropriate under this policy. This determination shall be administratively final.

AUTHORITY

The Director of Civil Rights is authorized to implement this policy.



Satya Rhodes-Conway
Mayor

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